

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPLICATION NO.1414 OF 2007**

Mohammed Hassan Mehandi Hassan Khan Applicant.
Vs.
State of Maharashtra Respondent.

Ms.Anjali Iyer, adv. for the Applicant.
Mr.D.P.Adsule, APP for the Respondent/State.

**CORAM : J.H.BHATIA, J.
DATE : JUNE 20, 2007.**

P.C.

1. Heard the learned counsel for the parties.

2. Previously application filed by this applicant for bail was rejected by this Court by an order dated 23rd February, 2007 after going to the merits of the case in detail. There appears to be no changes in the circumstances thereafter. The learned counsel for the applicant makes a statement that this Court had directed the trial Court to expedite the trial and dispose off the case as early as possible, however, so far even charge is not framed and no progress is made. In the affidavit filed by Senior Police Inspector Mr.Shekhar Tore, it appears that some of the accused, who are on bail are not appearing and some accused are absconding. As charge-sheet is already filed and submitted in the Court of Sessions, the case has to proceed in respect of the accused against whom charge-sheet is filed. Trial can not wait for arrest

of the absconding accused. As far as accused, who are on bail, the trial Court may take steps for securing their presence by issuing warrants as well as notices to their sureties. The accused, who are on bail can not be allowed to remain absent and prolong the case particularly when some of the accused are in jail.

3. In view of the above, application for bail stands rejected. However, the trial Court is hereby directed to take steps to secure presence of the accused persons, who are on bail but are not available for trial, by issuing warrants, notices, etc. as provided by law and to expedite the case and dispose off the same as far as possible till the end of September, 2007.

[J.H.BHATIA, J.]